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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,804	06/22/2001	Paul T. Schultz	COS-01-001 (977-011)	7612

25537 7590 10/11/2002

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TECHNOLOGY LAW DEPARTMENT
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EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/887,804

Applicant(s)
Paul T. Schultz et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Application No. 09/887,804, filed on 06/22/2001.
2. Claims 1-68 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the

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purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

- 4. Claims 1-68 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hoffman et al. (U.S. Pat. No. 6,397,198).**

As per claims 1, 2, 4-12, 15-24, 26-50, 54-60 and 62-68 Hoffman discloses a tokenless biometric identification computer

system/method, comprising at least a database containing registered biometric samples of users (which is seen to read as Applicant's claimed invention wherein it is stated that a computerized method for authenticating an electronic transaction between a user and a computer, the computer being configured to conduct electronic transactions), the method comprising the steps of: receiving a computer-generated transaction identifier from the computer via an electronic data link (see., abstract, lines 1-7, col 2, lines 38-59); receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection (see., col 2, lines 45-59. Applicant should duly note that the audio signature or voice recognition may be in the form of an audible VOICE , also col 10, lines 31-47); comparing the user-spoken transaction identifier with the computer transaction identifier (see., abstract, lines 3-7, col 2, lines 40-59); comparing the user-spoken verification identifier with a voice print of the user (see., abstract, col 2, lines 40-59, col 2, lines 1-5, please note that the token-based biometric may be in the form of fingerprints, hand prints, or VOICE PRINTS); transmitting an authentication message to the computer if the user-spoken transaction identifier

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matches the computer-generated transaction identifier and if the user-spoken verification identifier matches the voice print (see., abstract, col 3, lines 6-23, specifically wherein it is stated that biometric samples to produce a successful or failed identification of the user, please note that the token-based biometric may be in the form of fingerprints, hand prints, or VOICE PRINTS). Hoffman further discloses of matching user password (see., 4, lines 58-67, gathers a PIN code or password.

As per claim 3, Hoffman discloses the claimed method of providing the user voice print and user payment information prior to the electronic transaction (see., 4, lines 17-25, specifically wherein it is stated that please note that an electronic debit account is defined as an account that holds money deposited by the a user available for immediate debit in real time, please note that the money deposited that has been held is readable as the step of providing user payment information prior to the electronic transaction).

As per claims 13, 14, 51-53, Hoffman discloses the claimed method wherein the user conducts the electronic transaction using an ATM machine (see., col 4, lines 6-17, please note that the electronic payment of Hoffman is inherently includes bank teller or an ATM, since the teaching of Hoffman is capable of doing electronic payment as issuing by transactions processor entities such as Visa, Macy's).

As per claims 25, 61, Hoffman discloses the claimed method, wherein the electronic transaction includes downloading music files (see., col 9, lines 1 and 2, col 10, lines 1-5).

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CONCLUSION

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of Patents of Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR

(703) 305-9724, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth floor (receptionist).

The Official Fax Number For TC-3600 is:

(703) 305-7687

Serial Number: 09/887,084

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Pierre Eddy Elisca

Patent Examiner

September 30, 2002